

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

LIGHTWAVE COMMUNICATIONS, LLC

Petitioner,

-against-

VERIZON SERVICES CORP.,  
VERIZON MARYLAND INC.,  
VERIZON VIRGINIA INC.,  
VERIZON SOUTH INC.,  
and VERIZON WASHINGTON D.C. INC.

Respondents.

Civil Action No.:

Motion Date: August 13, 2007

Oral Argument Requested

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF NEW YORK                )

Andrew M. Klein, being duly sworn, deposes and says:

1. I am the Principal of Klein Law Group, PLLC, attorneys for the Petitioner Lightwave Communications, LLC ("Lightwave"), and, as such, I am fully familiar with the facts and circumstances related to the above-captioned matter.

2. I respectfully submit this affidavit in support of the Petitioner's Motion for Partial Confirmation and Partial Vacatur of the Arbitration Award dated April 27, 2007, pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1 *et seq.*

3. A true and correct list of the items awarded to Lightwave in the Arbitration Award dated April 27, 2007, is annexed to this Affidavit as Exhibit A.

4. A true and correct list of the items denied to Verizon in the Arbitration Award, and subsequently conceded by Verizon, is annexed to this Affidavit as Exhibit B.

5. A true and correct list of the items awarded to Verizon in the Arbitration Award is annexed to this Affidavit as Exhibit C.

6. A true and correct list of the Accountant's Review of the Arbitration Award and Lightwave/Verizon account balances is annexed to this Affidavit as Exhibit D.

7. True and correct copies of correspondence exchanged between Verizon and Lightwave, and their counsel, are annexed to this Affidavit as Exhibit E.

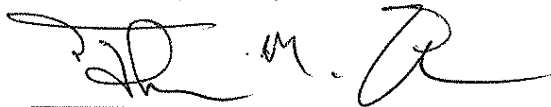
8. A true and correct copy of the Verizon Filing with the Maryland Public Service Commission, together with the Verizon Threat of Service Termination attached thereto, is annexed to this Affidavit as Exhibit F.

9. A true and correct copy of the Verizon Position Statement on the Late Fee issue in the Arbitration is annexed to this Affidavit as Exhibit G.

10. A true and correct copy of the Record of the Arbitration proceeding is filed together with this Affidavit.

  
Andrew M. Klein

Sworn to before me  
this 17<sup>th</sup> day of July, 2007

  
Notary Public

**THEODORE M. EDER**  
Notary Public, State of New York  
No. 02ED6116486  
Qualified in Bronx County  
Commission Expires October 4, 2008

**EXHIBITS A – H**

**FILED AS SEALED**